

RECEIVED
AUG 13 2001
TC 2000 MAIL ROOM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANTS' APPEAL BRIEF TRANSMITTAL LETTER

APPELLANTS: Finzel et al
SERIAL NO.: 09/101,846 GROUP ART UNIT: 2872
DATE FILED: July 17, 1998 EXAMINER: J. Henry
INVENTION: "CABLE JOINT FOR OPTICAL FIBRES
WITH SPLICING CASSETTES AND
OVERLENGTH LOOPS"

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

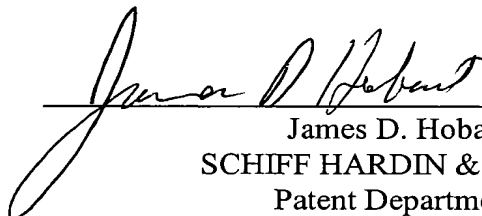
AUG 10 2001

BOARD OF PATENT APPEALS
AND INTERFERENCES

S I R:

Appellants are submitting herewith, in triplicate, Appellants' Brief Under 37 CFR 1.192 in support of the Notice of Appeal filed June 7, 2001. Also enclosed is a check for the \$310.00 fee required by 37 CFR 1.17(c). Please charge any additional fees which may be due and owing or credit any overpayment to Deposit Account No. 501519. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


(Reg. No. 24,149)
James D. Hobart
SCHIFF HARDIN & WAITE
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 258-5781
Customer Number 26574

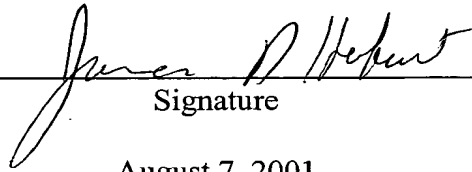
DATED: August 7, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on August 7, 2001.

James D. Hobart

Name of Applicant's Attorney



Signature

August 7, 2001

Date

M-A-D
8-13-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANTS' BRIEF UNDER 37 CFR 1.192

26/ Appeal
Brief
C. Stanley
8-15-01

APPELLANTS: Finzel et al
SERIAL NO.: 09/101,846 GROUP ART UNIT: 2872
DATE FILED: July 17, 1998 EXAMINER: J. Henry
INVENTION: "CABLE JOINT FOR OPTICAL FIBRES
WITH SPLICING CASSETTES AND
OVERLENGTH LOOPS"

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R:

This is an Appeal filed June 7, 2001 of the Examiner's Final Rejection dated January 4, 2001, which refused to allow claims 72 and 73, which are presented in the attached Appendix.

1) Real Party of Interest

This application is assigned to Siemens Aktiengesellschaft by an Assignment recorded on July 17, 1998 at Reel 9438, Frames 0080-0082 and the equitable title has been transferred and now rests in CCS Technology, Inc., a Delaware corporation.

2) Related Appeals and Interferences

08/14/2001 AWISE1 00000002 03101846
01 FC:120 310.00 0P
Appellants, the Assignees and attorneys of record do not know of any Appeal or Interference which will directly effect or will be directly effected by or will have a bearing on the Board's Decision in this Appeal.

3) Status of the Claims

Claims 72 and 73 are rejected. Claims 4-14, 16-24, 29, 30, 32-34, 37 and 56-68, which are all dependent on claim 72 or a claim which, in turn, is dependent on claim 72, have been withdrawn from consideration as being directed to various combinations including the sub-

combination of claim 72. Claims 2, 3, 15, 25-28, 31, 35, 36, 38-47, 49, 50, 52, 53 and 69-71 are withdrawn as being directed to a non-elected species or invention. Claims 1, 48, 51 and 54 have been cancelled during the prosecution of the application.

4) Status of the Amendments

A response to the Final Rejection (Amendment "D") was filed on or about May 3, 2001 and the Advisory Office Action mailed June 5, 2001 stated that this amendment raised new issues and would not be entered. Amendment "E" was filed on June 18, 2001 and the Advisory Office Action of June 25, 2001 stated that this amendment would be entered for purposes of this Appeal, since it made claim 73 definite and overcame the rejection under 35 USC 112, second paragraph.

5) Summary of the Invention

The invention is directed to a cable closure for optical waveguides, which are in easy-to-lay minicables and microcables. These minicables and microcables comprise pipes in which the optical waveguides or optical waveguide bundles are loosely led in. The object of the invention is to have a cable closure of the type in which the cable lead-in units are designed as lead-in spigots in the form of pipes tightly fitted on the optical cables which comprise a pipe receiving optical waveguides or optical waveguides strips or bundles. These are connected by a technology for receiving and sealing off the pipes of optical fiber cables with the sealing connection of the pipe-connecting technology being a welded, a soldered or an adhesive-bonded connection (see Amended Sheet 2a, lines 1-20).

As illustrated in Figs. 5, 6 and 7 and described on pages 12 and 13, an example of the closure is a cylindrical closure 5 with a cable body for receiving the optical cables containing the waveguides 11. The closure body also has a splice organizer 32 for the waveguide splices 26 and has depositories or storage spaces, such as 28, for the excess length 30 of each of the waveguides. The cable body has lead-in units, such as 13, which extend into the cable closure perpendicular with respect to the axis of the closure body. The excess length of each of the optical waveguides and splice organizers are arranged within the body and are removable in

an axial direction of the body, which has at least one end face of the closure body being closed by a lid or cover 20. Each of the lead-in spigots 13 has a pipe tightly fitted on the closure body, and each of the optical cables being selected from the optical waveguide minicables and optical waveguide microcables which have a pipe, are received in the cable inlet units with the pipe of each spigot engaging the pipe of the optical cable disposed therein with a sealing connection of the pipe which, as illustrated in Fig. 6, includes an adaptation sleeve, such as 87.

In the elected embodiment, the sealing connection is from a group consisting of weld connections, solder connections and adhesive-bonded connections between the pipe of the optical fiber cable and the cable lead-in unit (see Amended Sheet 2a, lines 15-20). In some of the non-elected species, the sealing connection is by a press connection with a sealing means and a pressing element with the union nut such as illustrated in Fig. 1 and disclosed in the last three lines of original claim 2. In another species, the connecting technology is selected from a group consisting of a plastic crimping connection and a permanent elastic annular seal between the pipe of the optical fiber and the cable lead-in unit, as disclosed in the last three lines of original claim 3.

6) Issues

Whether or not claims 72 and 73 are obvious under 35 USC 103(a) in view of applicants' own admitted prior art and in view of Finzel (GB 2277812 A).

7) Grouping of the Claims

In the Final Rejection, claims 72 and 73 were grouped together. It is submitted that claim 72 should not be grouped with claim 73 for the reasons set forth hereinafter. Therefore, the grouping should be as follows:

Group A1 - independent claim 73; and

Group A2 - dependent claim 72.

8) Arguments

8a) Teachings of the Reference

Finzel (GB 2277812) teaches an underground container 1 having a cover 4 which contains a module 21 which is used for holding connecting components for optical cables, such as splicing or coupling cassettes. The cables 7 are guided through resilient cable inlet pipes 25, which are inserted into cable inlet nozzles 5. The cables are movable in the cable inlet pipes and can be protected from dirt, for example, by bushing seals of expanded materials or wide mesh fabric, such as 26 (see page 4, lines 8-13).

Applicants' admitted prior art, which is set forth on Amended Sheets 1 and 2, admits that a cable closure with cable lead-in optical waveguides which have splice organizers are known. However, it is submitted that the preamble of claim 1, as amended by the Preliminary Amendment, only discloses cable closures for optical waveguides, which closures have splice organizers and excess length deposits for excess length of the optical fibers. The closure has at least one optical fiber cable lead-in unit in the form of a cable inlet spigot being arranged to extend into the cable closure.

8b) Why Claim 73 is Not Obvious to a Person of Ordinary Skill in the Art in View of Applicants' Own Admitted Prior Art in View of Finzel (GB 2277812 A)

It is submitted that neither the admitted prior art set forth on Amended Sheets 1 and 2 of the application or in the preamble of original claim 1 teach or suggest optical fiber cables that are selected from optical waveguide minicables and optical waveguide microcables, each having a pipe and a waveguide, selected from optical waveguide strips and optical waveguide bundles, loosely introduced into the pipe, that the cables are received in cable lead-in units with the pipe of each spigot engaging the pipe of the optical fiber cable disposed therein and having a sealing connection, as recited in claim 73. It is submitted that the flexible cables 7 of Finzel do not have a pipe which is in sealing connection with the pipe of the cable inlet. As pointed out hereinabove, it is noted that the cable is received in the pipe 25 of the cable inlet and may have a seal of expanded material for preventing the entry of dust. However, it is submitted that there is not a first connection between a pipe of the cable and the pipe 25. In fact, the cables

7 of Finzel (GB 2277812) are movable in the cable inlet pipes 25. Thus, it is submitted that the combination of the two references does not teach all of the features recited in claim 73 and, therefore, claim 73 is unobvious and patentable over the references. Therefore, a *prima facie* case of obviousness has not been established and the rejection should be reversed.

It is submitted that the pipe 25 received in the pipe 5 is not a cable pipe, as recited in the claim. It is noted that the rejection states that Finzel teaches such a loose holding a cable 7 in the pipe 25 and, thus, it is submitted that the rejection even admits that there is not a sealing connection of the pipe of the spigot to the pipe of the cable for sealing off the pipe of each cable, as recited in the last three lines of claim 73. Thus, it is submitted that the rejection even points out why the combination of the admitted prior art and Finzel does not teach all of the structural features recited in claim 73. For these reasons, it is respectfully submitted that the rejection of claim 73 should be reversed.

**8c) Why Claim 72 is Not Obvious to a Person of Ordinary Skill in the Art
in View of the Teachings of the Admitted Prior Art and Finzel**

Claim 72 further highlights that the sealing connection of the pipe connection technology is a connection selected from a group of welded connections, solder connections and adhesive bond connections between the pipe of the optical fiber cable and the cable lead-in unit. It is respectfully submitted that there is no teaching or suggestion of such a connection between the pipe 25 and the cable 7, since the cable 7 of the reference does not have a pipe, but is a flexible member. It is also pointed out that the Examiner admits that Finzel does not show how the pipe 25 is secured to the pipe section 5, but submits that an adhesive bonding would have been obvious as a conventional securing means, although no evidence has been provided to support such a statement.

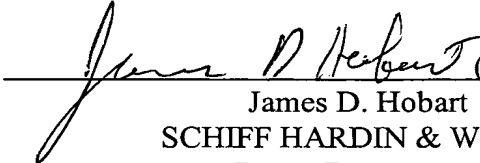
It is respectfully submitted that the rejection of claim 72 is clearly in error and should be reversed.

CONCLUSION

For the reasons set forth hereinabove, it is respectfully submitted that claims 72 and 73 are not obvious in view of the admitted prior art and Finzel (GB 2277812 A). Therefore, the rejection of claims 72 and 73 should be reversed.

This Brief is being presented in triplicate.

Respectfully submitted,

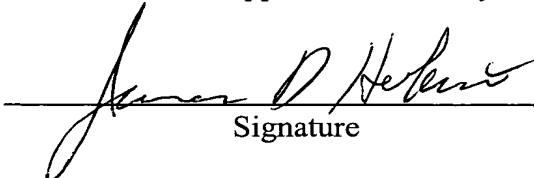
 (Reg. No. 24,149)
James D. Hobart
SCHIFF HARDIN & WAITE
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 258-5781
Customer Number 26574

DATED: August 7, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on August 7, 2001.

James D. Hobart
Name of Applicant's Attorney


Signature

August 7, 2001
Date

APPENDIX

Independent claims 73 and dependent claim 72, which are the claims on Appeal in U.S. Serial No. 09/101,846.

4 73. Optical-fibre transmission system comprising a cable closure with a cable body for receiving optical-fibre cables ^{at least one} having waveguides, splice organizers for the waveguides, and having excess-length depositories for the excess length of each waveguide, said closure body having cable lead-in units in the form of cable lead-in spigots being arranged to extend into the cable closure perpendicularly with respect to an axis of the closure body, the excess length of each optical waveguide and splice organizers being arranged within the closure body removably in an axial direction of the closure body, at least one end face of the closure body being closed off in a sealing manner by an externally accessible cover, each of the lead-in spigots being a pipe tightly fitted on the closure body, each of the optical-fibre cables being selected from an optical waveguide minicable and an optical waveguide microcable, respectively having a pipe and waveguides selected from optical waveguides, waveguide strips and optical waveguide bundles loosely introduced into the pipe, said cables being received in the cable lead-in units with the pipe of each spigot engaging the pipe of the optical-fibre cable disposed therein and having a sealing connection of the pipe of the spigot to the pipe of the cable for sealing off the pipe of each cable.

1=13
2=43?

72. Optical fibre transmission system according to claim 73, wherein a sealing connection of the pipe connection technology is a connection selected from a group consisting of welded connections, soldered connections and an adhesively-bonded connection between the pipe of the optical fibre cable and the cable lead-in unit.

??